

**ECONOMIC DEVELOPMENT & ENERGY COMMITTEE  
of the  
Suffolk County Legislature**

**Minutes**

A regular meeting of the Economic Development & Energy Committee of the Suffolk County Legislature was held in Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **March 5, 2003**.

**Members Present:**

Legislator Jonathan Cooper - Chairman  
Legislator Angie Carpenter - Vice-Chair  
Legislator Brian Foley  
Legislator Lynn Nowick  
Legislator Allan Binder

**Also In Attendance:**

Paul Sabatino - Counsel to the Legislature  
Roger Podd - Aide to Presiding Officer Postal  
Jim Spero - Deputy Director/Budget Review Office  
Joe Muncy - Budget Analyst/Budget Review Office  
Joe Schroeder - Budget Review Office  
Bill Faulke - County Executive's Office/IR  
Carolyn Fahey - Department of Economic Development  
Lori Taggart - County Executive Assistant  
All Other Interested Parties

**MINUTES TAKEN BY:**

Alison Mahoney - Court Stenographer

(\*The meeting was called to order at 12:11 P.M.\*)

**CHAIRMAN COOPER:**

Welcome, everyone, to the March 5th meeting of the Economic Development & Energy Committee. Legislator Binder, if you can please lead us in the pledge.

**Salutation**

Thank you. We have no speakers so we're going to move directly to the agenda.

LEG. CARPENTER:  
That's a good thing.

### Tabled Resolutions

CHAIRMAN COOPER:  
We have some antsy Legislators up there, apparently.

IR 1030-03 (P) - A Local Law to require verbatim minutes for Suffolk County Industrial Development Agency. Is there a motion? I'll make a motion to approve.

LEG. BINDER:  
Second.

CHAIRMAN COOPER:  
All those in favor? Opposed? IR 1030 is approved (VOTE: 5-0-0-0).

IR 1048-03 (P) - To establish County office space for Downtown Revitalization (Presiding Officer Postal).

LEG. NOWICK:  
I make a motion.

LEG. CARPENTER:  
Wasn't she doing some changes on that?

CHAIRMAN COOPER:  
Legislator Binder, I believe that you had some concerns about the resolution at the last meeting.

LEG. BINDER:  
Not just me, a number of us had concerns as to what offices would be there, what control would be there. I mean, we're talking methadone clinics, what are we talking in terms of downtown revitalization? And there was a request, someone was going to talk to the Presiding Officer about making changes to the bill, I don't know if there's a correct copy.

CHAIRMAN COOPER:  
Paul, have any revisions been made to the legislation?

MR. SABATINO:  
Yes. Legislator Carpenter had specifically asked -- raised the

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question, I should say, about the ability for waivers. So what was provided in a corrected copy that was filed on February 10th was a waiver provision which basically provides that the full Legislature

would have the ability by duly enacted resolution to waive the requirement for a particular site on a case by case basis.

LEG. BINDER:

And how would that come to the Legislature, in what way does the waiver get presented; someone has to request a waiver? How does -- if you can tell me how the process would work on that.

MR. SABATINO:

Okay. It will be similar to what took place, for example, on the Child Protective Services issue that was raised this morning where there's an absolute ban or prohibition on a particular activity. In this particular case, there's a specific requirement that all facilities across the board would have to be placed in a downtown area and would have to either constitute, you know, renovation of an existing facility or construction on an existing developed site. If there was a particular proposal for a site in one of those areas that somebody had an objection to, you would have to file a resolution to request a waiver, just like there's going to be a waiver voted on for the Child Protective Services. So it would be a duly enacted resolution, it wouldn't be some delegated group of individuals that are not elected officials making the decision, it would be the elected officials.

LEG. FOLEY:

Mr. Chairman, if I may?

LEG. BINDER:

Another question, and I guess I have --

LEG. FOLEY:

Put me on the list, please.

LEG. BINDER:

Is there any economic analysis attached to that, meaning per square foot? I mean, if it's going to cost us two times the amount to be in a downtown for the same facility that it costs us to be somewhere else, is there an economic analysis required and is there -- these are not fiscal times where we should be finding ways to increase costs to the County, though we want to help our downtowns. Was there a provision in the bill anywhere? I don't remember seeing something like that.

MR. SABATINO:

Not in the bill, no.

LEG. BINDER:

So I guess since the last meeting and now, I was looking at it and I didn't see anything like that. It's another concern of mine and I'm starting to look at a number of things that we're doing in terms of

cost and I think it might not -- while it is important that we support our downtowns, I think it is not the time to start doing things without underpinnings and economic analysis, understanding our costs.

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And we have to understand the same, that there needs to be savings along with promoting our downtowns, if it costs us a lot more everything is going to get hurt, including our downturns. So I would still hesitate on passing this bill.

LEG. FOLEY:  
Mr. Chairman?

LEG. CARPENTER:  
Mr. Chairman?

CHAIRMAN COOPER:  
Legislator Foley.

LEG. FOLEY:  
Yeah, thank you, Mr. Chairman. I second the motion and strongly support this piece of legislation.

The major concern raised at the last meeting that Legislator Carpenter had raised has been addressed by the sponsor of the bill. With regards to Legislator Binder's excellent question about whether there's any kind of requirement for the economic analysis, that can be done on a case by case basis, and I'm sure Legislators can also request the same when separate resolutions move forward. And since we also have as a body representation on the Space Management Committee, we can at that point early on in the process request that kind of economic data. I would say -- suffice to say that the Planning Department and Economic Development Office has the personnel that could help in that regard.

I think we can say in general terms that any time -- and this really is the spirit and the fundamental reason why the bill was submitted by the Presiding Officer. That any time that we can compliment our effort to help our downtowns, particularly with either straight investments that we're doing now, direct investments through our Downtown Revitalization Program, or through the placement of County employees in our downtown, it's not so much a drain on the County Treasury but rather it's part and parcel of a comprehensive, overall, coordinated effort to be part of the answer in reversing our downtown, reversing the decline that we have seen in a number of down. So that's why it's important to move forward with this.

And it's especially important, I would say, Mr. Chairman, to move this forward because as we speak there are other municipalities that are

moving employees out of our downtowns. And I think what we need to do is to say not only are we going to appropriate monies to our different chambers of commerce and beautification committees in downtown settings, but we're also going to place employees in those downtowns as being part of the answer, if you will, this public/private approach to try and help those areas return to the former glory.

And this isn't just wishful thinking, this is a -- I would say this is a very practical approach. As we all know, our downtowns throughout this County are important to the lifeblood of their communities. It's not just an economic issue, it's a social issue, it's a cultural issue

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as well creation of jobs and revitalizing the economic life of a particular area.

So when it comes to our downtown areas, it's not strictly a dollars and cents issue. By revitalizing our downtowns we are, in essence, helping to revitalize cultural and social aspects of those particular areas of the County as well. So I hope that we can pass this resolution out of committee today.

CHAIRMAN COOPER:  
Legislator Carpenter.

LEG. CARPENTER:  
Thank you. I don't know if it matters or not, but in the first RESOLVED clause when it is siting some specific downtown areas not limiting to but such as --

LEG. FOLEY:  
Right

LEG. CARPENTER:  
-- west Islip is mentioned; West Islip does not have a downtown. So I don't know if it's appropriate for that to be included in the resolution.

MR. SABATINO:  
Well, the reason it's there is because it's the areas defined under Resolution 808 of 1998 which established downtown revitalization. So that list is not all inclusive in the sense that --

LEG. CARPENTER:  
Okay.

MR. SABATINO:  
-- it can be expanded, but that was the starting point because in 1998 those were the ones that were initially determined to be

downtowns. You had to have a benchmark, the benchmark we have is here.

LEG. CARPENTER:

All right. Ignore that, then. To Legislator Binder's comments about the fiscal impact, Legislator Foley's comments are well taken as far as us being able to address any of those issues when a particular site might be considered. But if it does come to our attention that a particular location in a downtown area is going to be twice the cost that it is in another area, does this resolution allow us to not do it or is it sufficient to say that -- with the fifth RESOLVED clause, would that cover us, for getting a waiver for that financial reason or do you need to see it?

MR. SABATINO:

I probably didn't do a good job before of explaining how it would work. The Legislature has to vote on all of the leases for any facility that we have --

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LEG. CARPENTER:

Right.

MR. SABATINO:

-- or if we're constructing buildings. So the starting point is the current law which is that every time something has to be done in terms of building facilities you have to vote. This is saying -- this resolution if it's adopted is saying that one of the component now of that decision making process is that you have to put it into a downtown area, you can't basically take open space or undeveloped land or virgin territory and develop it. So when that proposal would come before the Legislature, you would either be doing construction or the lease, at that juncture you would make a decision as to whether that was a good or a bad idea. And if you thought that it was a bad idea, you would invoke the provision that you just suggest -- identified which is the fifth RESOLVED clause and you would do the waiver to get something -- to get out of that situation.

LEG. CARPENTER:

So that fifth RESOLVED clause then would be all-encompassing, it would not only be because it was an inappropriate office --

MR. SABATINO:

Absolutely.

LEG. CARPENTER:

-- but if there was a financial consideration and so forth.

MR. SABATINO:

It was worded that way because you made a good point at the last meeting and thinking the process through, it would be impossible to establish all of the -- it would take a thousand pages and you would miss something.

LEG. CARPENTER:  
Right.

MR. SABATINO:  
So we have a good precedent of how we've done these waivers in other situations, that's why we track that way.

LEG. CARPENTER:  
All right. So now my final question is how -- for those that are not on Ways and Means, how does the information get out there so that we're not in a situation where a lease is being considered and it comes to the full Legislature and the Legislator representing the district or perhaps a Legislator who's not on the committee says, "Well, I don't think that's appropriate and I'm going to file a resolution," you're stopping the process. I would like to see or know that we could have all of these discussions so that everything could be moving along in a timely fashion and it's not going to be used as a reason to stop something.

MR. SABATINO:  
The only responses I can think of are two. One is the Space

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Management Committees now have verbatim minutes because we've insisted on that and everybody gets the minutes.

LEG. CARPENTER:  
Okay.

MR. SABATINO:  
So actually, that gives you advanced notice. The second thing is when you get the packet you'll see at the same time that every member of the individual committee does what's on the agenda, so that would give you a second bite at the apple. I would think between those two we should be covered.

LEG. CARPENTER:  
No, I think the minutes will be very helpful then in that endeavor.  
Thank you very much.

DIRECTOR COSTIGAN:  
Mr. Chairman?

CHAIRMAN COOPER:



Ms. Costigan.

DIRECTOR COSTIGAN:

I'm speaking today in connection with this proposed resolution in two capacities; one, my office is the one which conducts these space searches and does the negotiating for leases; and two, I sit on the Space Management Committee. So in both -- I can give you some to what you just raised in your particular comment.

But overall, I'm not speaking to the merits of the measure. If you want to go town to town that's fine, we have some comments as to how this resolution affects how do you it. In the first RESOLVED where the -- the thrust of the whole resolution is to force you to go downtown. I would point out there were no maps prepared in connection with Resolution 808, therefore what is downtown is a somewhat flexible idea. And in that paragraph six, it has a Draconian penalty for anyone who doesn't stay within downtown; it seems inconsistent to penalize somebody for not finding a space downtown when you can't define where downtown is by a map.

Secondly, in a second RESOLVED it refers to a program that everything we do has to be consistent with this program, and I don't think there is a program; I think you may want to look at that language.

In the third RESOLVED it then suggests that the limitation on County payments, no County payments can be made for the use of space unless it is previously undeveloped space downtown. Well, by definition of something being a downtown, there is no previously undeveloped space. That seems inconsistent to me to direct us to find space which is previously undeveloped and yet downtown; downtowns are developed. So I think that's probably not exactly what you mean. But when you -- the waiver is definitely an improvement over the last version of this resolution. However, specifically speaking to Ms. Carpenter's question about the waiver, I wanted to share with you how the Space

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Committee works so you'll understand what the effect of this waiver is.

The various agencies of the County file a space request. So the committee meets once a month, so if the waiver -- if the request is filed it could be up to a month before it's even considered when the committee meets. At that meeting, the agency comes in and briefs why they need the space, how much they need, how much parking and everything and the committee says, "Okay, okay, we'll go look for space." Now it's at least another month while the committee looks for space. And it would be mindful -- if this were passed, it would be mindful right then that it had to look in downtown first. I mean, there would be no doubt about it because they're going to have



criminal penalties under number six if they don't and be fired, so they would already be looking downtown. But they go look for spaces and they find -- they usually then find four or five of the top ranking spaces and bring them back to the committee, that's what my office does; now we're into the third month. We're back to the committee and the committee says, "I see it. There is no downtown space so we'll have to go to the Legislature." Now we have to come to the Legislature where the turnaround is four to eight weeks, we are now six months -- yeah, six months into the process and we haven't yet considered a site actively, because adding the waiver coming to the Legislature is going to add all that time.

I just suggest that it makes it quite an unwieldy process when our whole drive in terms of leasing is to do it quickly, you know, efficiently and effectively. It means that if we had to come for a waiver, now the space search that you did in the first month is completely stale, I mean, space searches go stale over night, you know, the sites that you looked at are gone. So we have to do another space search and that's another month before you come back to the committee, so now we're seven months into the process and the committee is finally looking at maybe some potential spaces.

I think it's very unwieldy and I'm just suggesting that you have to consider that schedule in your thinking. It will add at least three months, at least probably four months to the time of just trying to identify a space.

CHAIRMAN COOPER:  
Legislator Carpenter.

LEG. CARPENTER:  
I would just suggest then, in light of what you've said, that it makes it ever so more incumbent to make sure that the lines of communication are open between the department and the Legislature and everyone that's involved in the process so that you don't wait, that we're aware in the beginning when these searches are taking place. Because very often the Legislators who are familiar with their Legislative Districts can offer suggestions of space. So I think, you know, we all need to be aware. You know, I made it clear I wouldn't want to do anything that would unduly burden the process, but as Counsel said, you know, there are mechanisms, whether it be the minutes or when resolutions are first presented, for us to know what's going on and if

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a waiver is going to be needed, we'll know about it and try to move it in a quickly -- in a quick fashion.

MS. COSTIGAN:  
I was suggesting where you moved it as quickly as you could. There

was no delay in my projection, that's when you move it as quickly as you can. There's just a natural gap of a month between each one of those events that really, unless you make the Space Management Committee meet more often and you do it by CN, you can't avoid the gap. I was saying you would be communicating.

LEG. CARPENTER:

Is the Space Management Committee precluded from meeting more often? If you have a particular agency or a department or function that needs to be located, do you have to wait a month? I mean, if you're looking at some spaces can't you then say, "Well, let's get together in two weeks now instead of a month," or are you precluded from meeting more frequently? And I guess that's an answer Counsel would have to answer, a question he would have to answer.

MR. SABATINO:

No, they're not precluded from meeting more frequently. But I think in terms of the analysis, it presupposes that every recommendation that comes before the Legislature is going to be approved. If you accept that as the predicate, then this could potentially cause a delay. But potential for delay already exists in the system because if the Space Management Committee recommends that you do, for example, the old Coram lease and Legislators come forward and say, "We don't like the old Coram lease," they've invested whatever period of time they've invested and then you say no, there's a delay. So the only way that this changes the system in terms of timelines is if you presuppose that the starting point for where we are right now, that everything that comes out of Space Management, everything that comes out of Public Works is automatically presumed it's going to be approved and that's not the case.

DIRECTOR COSTIGAN:

I actually agree entirely with you, Mr. Sabatino. I'm just suggesting that whatever happens now has another -- will have another two to four months to get a waiver.

MR. SABATINO:

You're making a valid point but I think that you're creating the impression that that's somehow different from what we currently have. I mean, right now if the Legislature decided tomorrow just on its own that every lease proposal was going to be defeated because they wanted to see construction and ownership instead of leasing, all of that work and all of that effort, you know, would in effect have been delayed by whatever the period of time was. But in order to make that statement, you have to presuppose that everything is going to be adopted and that's not the case.

LEG. BINDER:

Mr. Chairman?

CHAIRMAN COOPER:  
Legislator Binder.

LEG. BINDER:

I would take a little issue because that's not what I heard. What I heard is in the case where they go through the motions because they have to look for a downtown, can't find a downtown, they first have to come to us and go through this whole process of getting a waiver in that particular case; she's talking about a very specific case. Not talking about presupposing things that are passing, we're talking about in the case where we're looking for a downtown, they come -- they now have to go through a process they never had to go through before, because normally they would look for a downtown and couldn't find it, they wouldn't have to go for a waiver, they start on looking for something else and they can start that process of other things immediately; what I'm hearing is that they can't. And that could put now going to us for this waiver backs the whole process up.

What I'm hearing is there are a number of real problems and I don't think the committee should just waive them off. Ms. Costigan went through very important things. The definition of a downtown; if they don't know what it is there are some serious penalties which I think are too heavy handed anyway, the penalties in here are way too heavy handed. But besides that, they're at risk of these heavy handed penalties for not following something they don't know what they can follow because they don't have a guideline as to what we're talking about specifically in downtown. And I don't know if I have to go through all that was gone through, but there were very specific problems in the program, in the question of previously undeveloped. And I think on top of it, we shouldn't waive off the need for fiscal analysis that we might, quote, ask for it later, that should be part of the whole process. We should know that if we have something before us and it's in a downtown and it's costing X amount per square feet, I should be able not to -- I shouldn't have to request and then have to think of it and if I'm not on the committee I don't get a chance and we've got a hundred bills coming up so we're looking at different things. Part of the backup of this bill should say, "In this downtown it's X number of dollars per square foot. And if it we went to this alternative or this alternative which is not in the downtown, this is what it is a square foot." Now, maybe I look at that and say, "That's okay with me, it's in a downtown, I can live with that." And because as Legislator Foley talked about, the importance of revitalization and helping our downtowns, we all decide that we don't want to go for a waiver, we don't want to slow that down, that's fine, but it should be part of the backup of the bill, it shouldn't be something you ask for if maybe you -- we're not going to look at each one like that, so that should be part of the bill. I mean, let's be comprehensive. I think it -- there are a number of problems with this bill as it sits here

today. I think they were outlined very clearly and I think they should be worked on. Let's not run to pass imperfect legislation where we're going to change the nature of how we're going to lease property which costs the taxpayers real money in this County, let's make sure we do it correctly, deliberatively. And I would hope that -- and I'm going to make a motion to table so we can take some time on this.

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CHAIRMAN COOPER:  
Legislator Foley.

LEG. FOLEY:  
Just a question for Ms. Costigan. Have you brought your constructive critique to the attention of the sponsor, to the Presiding Officer, or is this the first chance, opportunity you've had?

DIRECTOR COSTIGAN:  
I only got the corrected copy this morning. I had given my previous comments and I had called the sponsor but she -- I haven't had a chance to talk to her directly.

LEG. FOLEY:  
Okay. I would just point out, Mr. Chairman, that as a former member of the Space Management Committee that there's a very extensive process, already part of the process, extensive process, that each potential lease goes through as we speak. And there are some, whether it's the old Coram lease, I mean, that issue lasted for about 15 years. So the fact -- I think we've greatly reduced the time frame within which we look at parcels or we look at buildings to lease or to construct, and whether we have to add a month or two to that process in order to fulfill the requirements of this law, I think that additional time period is well worth the effort. But I would say that we could even reduce the extended time by the point raised by Legislator Carpenter and I think Ms. Costigan mentioned the same thing, we could have on an as-needed basis more frequent Space Management meetings and at the same time have a CN that could come forward in order to entertain that issue more immediately. But as Counsel said, that presupposes that we want to approve that kind of waiver and we may not necessarily want to do so.

So that being the case, I think all the elements are in place, if not embodied in the law at least embodied in the practice where there will be a lot of deliberative review and redundancy in the process so that people will have the opportunity early on, not just at the end, to review this.

Now. Let me just get to Legislator Binder's point about the need to change some of the laws. Some of his suggestions can be embodied in

the administrative, let's say, follow-up to this; we don't have to necessarily put it into the law but that's my own two cents on it.

CHAIRMAN COOPER:  
Legislator Nowick.

LEG. NOWICK:

While I am totally in agreement with the sponsor of this bill because I do think this is a great idea and I'm very much in favor of downtown revitalization, I would wonder if it would be worth our while -- and I don't want to prolong this, but it seems like Ms. Costigan has some very good points. And it probably would be a very easy thing to speak to the sponsor and if you work together and came up with what may improve the bill a little bit, maybe these four weeks until the next meeting would be -- maybe it would be well worth our while to have you speak to the sponsor. Because it sounds like you can work it out and

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we can also incorporate, and I do think Legislator Binder's idea of incorporating the fiscal impact on the community and on the County would be very, very important. So maybe -- although we hate to delay it because it is so important, maybe it would be well worth our while because you are, after all, the expert in the field and maybe you can work it out. You simply haven't had an opportunity.

DIRECTOR COSTIGAN:

Right. I would be glad to do that. Mr. LaValle was going to talk to her and then he broke his ribs.

LEG. NOWICK:

It just sounds like just a few little things that would have to be tweaked.

DIRECTOR COSTIGAN:

Right.

LEG. NOWICK:

And then we'd get a go of me because it is excellent.

DIRECTOR COSTIGAN:

I would be glad to.

LEG. BINDER:

Motion. Motion to table.

LEG. FOLEY:

Like TV and radio, there shouldn't be any down time in the middle of a committee meeting.

CHAIRMAN COOPER:

All right, we have -- I believe we still have a motion to approve and a motion to table; motion to table takes precedence. Is there a second for the motion to table?

LEG. NOWICK:

I will second it.

CHAIRMAN COOPER:

Motion to approve and a second. On the motion to table, all those in favor? Opposed?

CHAIRMAN COOPER:

I'm opposed.

LEG. FOLEY:

Opposed.

LEG. CARPENTER:

I will be opposed to tabling but I do -- I will agree to approve this to get this out. But I would ask Ms. Costigan, if you haven't had an opportunity to speak to the sponsor between now and next Tuesday, to be at the Legislature so that you can raise your concerns so if need be it can be tabled on the floor. And I don't want to stop getting this out because I just feel the initiative is that important.

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LEG. FOLEY:

I would just add, too, that if you would stay after the committee meeting, Ms. Costigan, to see when the Presiding Officer will be in today; given the importance of the issue she might be available. Motion to approve, Mr. Chairman.

CHAIRMAN COOPER:

We have a motion to approve, I will second that motion.

LEG. BINDER:

On the motion.

CHAIRMAN COOPER:

Legislator Binder.

LEG. BINDER:

Yeah, as it stands today, especially without a fiscal analysis and without some of the questions that were raised being addressed like defining downtown areas while we're imposing penalties on people for not following the provisions, I have a very big problem with this so I will be voting no. Especially because unless there's a CN it's not going to be at the next meeting, we're not going to vote on it at the



next meeting anyway, you know, we're not going to have it for next week because it wouldn't be timely without a CN. So I don't know why we're rushing this out of committee anyway, we're waiting -- unless if there are changes, as some people are saying they want them, we're going to wait until the next meeting after that anyway. So this is the place that it should be done, that's what committees are for so I think it shouldn't be out of committee. So with those two caveats, particularly without a fiscal analysis being there, I'm voting no. If the changes are made and somehow there's a CN or whenever, if those things are addressed including a fiscal analysis, then I would change my mind because I think generally the idea of this is a positive one.

CHAIRMAN COOPER:

Thank you. We have a motion to approve and a second. All those in favor?

LEG. FOLEY:

Aye.

CHAIRMAN COOPER:

Aye.

LEG. CARPENTER:

On the motion.

CHAIRMAN COOPER:

Legislator Carpenter.

LEG. CARPENTER:

I just want to reiterate what I stated earlier. The clarification that Counsel gave with that fifth RESOLVED clause, I think it gives us the flexibility to address any of the issues because as was stated, it is very, very broad. However, I do feel that some of the points that are raised today are something that the sponsor should hear and that

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there be an understanding of it. But I think the bill as written now with the broadness of that fifth RESOLVED clause gives us the ability to move forward with this today.

LEG. BINDER:

Also on the motion. I can think of one provision right in the beginning, the definition of a downtown, then not knowing what that is and being subject to penalties, sever penalties in this bill, termination even, for not following it. I don't know how you administratively or any other way get around that. You're putting them in a catch-22 and until we see that -- something like that is taken care of, it's not something you pass, you don't pass something like that at committee and even put our staff at risk like that.



And then as I said, the fiscal analysis, it's not going to just happen. And most of them won't be asked for and it's a shame. So we should do this right the first time instead of passing it out. Okay.

CHAIRMAN COOPER:

Thank you again. Motion to approve and a second one more time. All those in favor?

LEG. FOLEY:

Aye.

CHAIRMAN COOPER:

Aye. All those opposed?

LEG. BINDER:

Opposed.

CHAIRMAN COOPER:

Resolution 1048 is approved (VOTE: 4-1-0-0 Opposed: Legislator Binder).

IR 1081-04 (P) - A Local Law authorizing the designation of an Empire Zone (County Executive). At the request of the Presiding Officer and the County Executive that we table this bill, I'd make a motion to table IR 1081.

LEG. FOLEY:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? IR 1081 is tabled (VOTE: 5-0-0-0).

IR 1082-03 (P) - A Local Law amending the designation of an Empire Zone (County Executive). Once again, at the request of the Presiding Officer and the County Executive, I make a motion to table IR 1082. Is there a second?

LEG. FOLEY:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? IR 1082 is tabled (VOTE: 5-0-0-0).

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Lastly, Procedural Motion No. 9-2003 - Authorizing litigation against LIPA to recover County construction project utility costs (Towle). Is there a motion?

LEG. FOLEY:  
Explanation, please.

LEG. CARPENTER:  
I don't have a copy of it.

LEG. BINDER:  
Table it's happening already.

LEG. FOLEY:  
Explanation.

MR. SABATINO:  
The lawsuit is under way.

LEG. FOLEY:  
All right, so -- well, let's just establish this for the record.  
Since the lawsuit is under way, this motion is not required; is that  
what Counsel is telling us?

MR. SABATINO:  
Not at this juncture. Legislator Towle had filed a bill to move the  
process, then after he filed the bill the Law Department pursued  
litigation. We got an update at this committee, he just wants to hold  
this in reserve if the litigation isn't pursued the way he wants to  
see it pursued.

LEG. FOLEY:  
So it's your counsel that we can table this today, correct?

MR. SABATINO:  
Yes, you can table it.

LEG. FOLEY:  
Okay. And the sponsor -- let the record reflect the sponsor has agreed  
to table it as well.

CHAIRMAN COOPER:  
Do we have a motion?

LEG. BINDER:  
Motion to table.

CHAIRMAN COOPER:  
Second. All those in favor? Opposed? Procedural motion No. 9 is  
tabled (VOTE: 5-0-0-0).

Before we adjourn, I believe that Legislator Foley had a question  
regarding downtown revitalization funding. Jim Spero, if you can  
answer this question for us, please.

LEG. FOLEY:

Mr. Chairman, I have that question but I would also note for the record that Supervisor Heaney from Southampton is here and I think wants to speak on an issue; I don't know whether you want to wait until -- I'd be happy to wait to ask my question after the Supervisor.

CHAIRMAN COOPER:

Sure. Supervisor, please.

SUPERVISOR HEANEY:

Thank you. I'll be very brief. At an earlier public hearing, a member of the community in the Flanders Riverside got up and basically stated that there was no support for the amendment to the boundaries of the Empire Zone. And based in some measure on that comment, there was reluctance to move forward at one point in this process to expand those boundaries.

I just came here this morning to advise members of the committee that it is my intention at the upcoming public hearing to have members of the public speak in support of that amendment to that boundary as it relates to six acres that are on the Peconic River side in the Town of Southampton. And that I will also have available Vince Ferrandino from Vince Ferrandino & Associates who is a consultant who has worked with the town planners and the community for the last year undertaking a hamlet study that involves Flanders, Northampton and Riverhead. We will have a GIS map just to be able to highlight the general area where this -- the benefits would accrue in the Town of Southampton just to give the Legislature the ability to clearly gauge the level of public support in the Town of Southampton for this proposal. That's it. Okay? Thank you very much.

LEG. CARPENTER:

Thank you.

CHAIRMAN COOPER:

Thank you very much.

LEG. FOLEY:

Thank you, Mr. Chairman. Mr. Spero, there's been some question about the appropriation line for downtown revitalization funding for this year. We're hearing different numbers, could you just tell the committee what the amount is that's available for downtown revitalization funds?

MR. SPERO:

Contained in the County Operating Budget --

LEG. FOLEY:

In addition to having future County offices in downtowns.

MR. SPERO:

In addition -- the County Operating Budget contains an appropriation of \$370,000 for downtown revitalization initiatives. The Capital Budget contains \$1.5 million. However, since many of the downtown initiatives are not bondable, we don't have the pay-as-you-go funding in the Operating Budget to fund the amount in the Capital Budget.

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LEG. FOLEY:

Let me ask this question, if I may. Some thought it was half a million for this year, so if you can answer that in a moment. But secondly, if there are downtown projects that are of a infrastructure nature that would meet the requirements of capital funding that particular initiative, can the 1.5 be utilized in those situations?

MR. SPERO:

Yes, if it's a true capital improvement.

LEG. FOLEY:

Yes.

MR. SPERO:

Beautification type things like plantings and things like that wouldn't be eligible for bonding.

LEG. FOLEY:

Street lighting, uh --

MR. SPERO:

Street lighting and things like that could be eligible, curbing.

LEG. FOLEY:

Curbing side, brick side or things that are --

MR. SPERO:

They have to be --

LEG. FOLEY:

They have a life of 10, 15 --

MR. SPERO:

A useful life of more than a year.

LEG. FOLEY:

Oh, absolutely.

LEG. CARPENTER:

A year or five years?

MR. SPERO:

Well, the 5-25-5 law is suspended for this year, so we could bond things with a useful life of five years.

LEG. FOLEY:

So even with beautification, if you buy perennial plants.

MR. SPERO:

I think you're stretching it.

LEG. FOLEY:

Okay.

MR. SPERO:

Generally trees, even trees are not a bondable item.

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LEG. FOLEY:

Okay. Just to the point, though, back to the original point, some -- Mr. Chairman, some of my colleagues, our colleagues thought there was half a million available. Are there any other moneys, another 130,000 that we could find in order to have a full half of million available?

MR. SPERO:

The pay-as-you-go account has just under \$900,000 in it and that money is being used up rather quickly because a number of initiatives have been put in the hopper to use that money.

LEG. FOLEY:

They haven't been approved yet, though.

MR. SPERO:

They haven't been approved yet. So to the extent that pay-as-you-go money is available, we could transfer it to downtown revitalization.

LEG. FOLEY:

Okay. Thank you, Mr. Chairman. Thank you, Jim.

CHAIRMAN COOPER:

Okay, thank you very much. This meeting is adjourned.

(\*The meeting was adjourned at 12:49 P.M.\*)

Legislator Jon Cooper, Chairman  
Economic Development & Energy Committee

{ } - Denotes Spelled Phonetically

